

DATE: NOVEMBER 30, 2012

TO: ALL OFFERORS

FROM: PETER KOROLYK
STATE CONTRACT PROCUREMENT SUPERVISOR

SUBJECT: ADDENDUM TO REQUEST FOR PROPOSAL
Independent Third Party Health Program Administrator
CONTRACT NO. DPR12001-HEALTH_ADMIN (STA12001-HEALTH_ADMIN)

ADDENDUM #1

Please note the following clarification: When the Division of Professional Regulation's Request for Proposal was posted to the State's bid solicitation directory, www.bids.delaware.gov, the contract number on the bid directory was referenced as STA12001-HEALTH_ADMIN. All vendors shall be made aware that STA12001-HEALTH_ADMIN and DPR12001-HEALTH_ADMIN refer to the same solicitation. Any and all vendor proposals sent in response to either referenced solicitation will be treated as the same contract response, and no distinction shall be made between the two (2) separate contract identifiers.

The following are the vendor questions and answers for the Health Administrator contract solicitation.

Section number: II Scope of Services

Paragraph number: 1

Page number: 2

Text of passage being questioned: Program administrator will have the responsibility to maintain a confidential process for receiving self-referrals and third party referrals for licensees in needs of evaluation for substance abuse or impairment related to mental health issues.

Question 1: Will the program administrator have the authority to require a self-referring participant to step down from practice at the time the participant is self-referring prior to the third party evaluation being completed?

Answer 1: The program administrator will not retain independent authority to make such determination prior to a third party evaluation. Practice restrictions will be included, as necessary in the contract.

Section number: II Scope of Services

Paragraph number: 2

Page number: 2

Text of passage being questioned: The treatment service provider list must be kept current and shall be subject to review by the Division?

Question 2: Does the state already have a treatment service provider list in existence?

Answer 2: The Division of Professional Regulation has a treatment provider list with providers approved by the Delaware Department of Health & Social Services, Division of Substance Abuse and Mental Health. Other providers may be used if they meet similar criteria.

Section number: II Scope of Services-Monitoring of Licensees/Practitioners

Paragraph number: 4

Page: 3

Text of passage being questioned: Program Administrator shall maintain an ability to obtain necessary laboratory studies to include drug and alcohol screenings for all participants in the program.

Question 3: Does the State anticipate testing Monday-Friday, excluding state holidays?

Answer 3: Yes.

Question 4: Does the State anticipate requiring hair testing, blood testing, Peth testing?

Answer 4: Not at this time.

Section number: II Scope of Services-Responsibilities of the Division

Paragraph number: 3

Page: 4

Text of passage being questioned: The Division shall be responsible for a portion of the administrative costs for the third party administrator to manage the program.

Question 5: Can the State provide a cost sheet or format for how you would like the pricing organized (E.g. cost of the drug test, administrative fee)?

Answer 5: The cost proposal should breakdown each category of the overall program budget and the cost each licensee would be charged. Categories could include personnel costs, subcontracted services, miscellaneous such as supplies, materials, equipment, space, utilities, insurance, travel and per diem, administrative fees and other (please list).

Question 6: Would you be willing to consider different pricing options?

Answer 6: Yes.

Question 7: What is your anticipated start date for the Professional Health Monitoring Program (delivered by new administrator)?

Answer 7: As negotiated with DPR, but no later than 30 days after execution of a contract.

Question 8: Do the individuals covered by DPR boards and commissions have access to an Employee Assistance Program (EAP)?

Answer 8: Not through DPR or the boards and commissions as licensees are not employees; however, individuals may have access to an EAP through their employers.

Section: II

Paragraph: 2

Page: 2

Text: To that end, the Division is seeking to retain an independent third party Program Administrator to oversee a program for all licensees under Titles 16, 23, 24 and 28. There are over 78,000 licensees eligible to participate in the program. Over the past five years, over fifty licensees have accessed the program and at least the same amount of licensees has been monitored by an order of a board/commission. The Program Administrator will provide for professional evaluation, referral, treatment planning, creation and the monitoring of contracts

with participants under program contract or order from professional licensing boards/commissions.

Question 9: Could an entity bid to provide services to a subset of the professional licensees or must the bid cover all licensees?

Answer 9: The successful vendor will be required to provide services to all professional licensees.

Question 10: Which of these professional boards and commissions currently has an active program?

Answer 10: All professional licensees are eligible to apply. However, the Board of Nursing and the Board of Medical Licensure and Discipline are the only boards that currently have participants in the program.

Question 11: What are the numbers of participants for each occupation?

Answer 11: The Board of Nursing currently has 8 licensees in the voluntary treatment option program and an additional 26 licensees under Board Order requiring substance abuse/mental health treatment and/or monitoring. The Board of Medical Licensure and Discipline currently has 7 licensees in the voluntary treatment option program and 2 under Board Order requiring substance abuse/mental health treatment and/or monitoring.

Section: II
Paragraph: 7
Page: 2

Text: Program Administrator, will enter into a contract with eligible licensees for program participation based on treatment and treatment-related recommendations outlined by a treatment service provider and/or as stipulated by board order. The Program Administrator will meet face to face with participants in person or by electronic communication to discuss and execute agreement. The Program will have standardized baseline Monitoring Agreements for all enrolled licensees; however the Program also will have the authority to individualize the Monitoring Agreements to require additional monitoring components. Further, the boards will have the latitude to include additional monitoring requirements as stipulated in orders.

Question 12: Would it be permissible for these to be rendered from another state?

Answer 12: If the question whether the services//treatment can be done in another state, the answer would be yes provided the treatment provider meets criteria for treatment providers on the division's list referenced in Question 2 above.

Question 13: Does the program need to have a physical presence in Delaware?

Answer 13: No, the program does not have to have a physical presence within the State of Delaware. However, vendors must be able to demonstrate ability to meet needs of target licensees, and fulfill the requirement to meet with licensees in person within the state as needed.

Question 14: Is whether or not to provide services in person or electronically at the discretion of the program or are certain components, e.g., initial evaluation required to be performed in person?

Answer 14: Yes, vendors must be able to demonstrate ability to meet needs of target licensees, and meet with licensees in person within the state as needed. Some in person contact is preferred.

Section: II
Paragraph: 1
Page: 2

Text: The Department of State, Division of Professional Regulation (Division), pursuant to 29 *Del C.* §8735(n), administers the Voluntary Treatment Option Program that offers confidential, professional assistance to chemically dependent or impaired professionals for substance abuse. In 2010, the law granted authority to the Division under 29 *Del C.* §8735 (d)(7) to retain independent, third party treatment providers to its licensees which expands services to include impairment related to mental health issues There are thirty-four professional boards and commissions that fall under the jurisdiction of the Division whose licensees would be eligible to participate in this program.

Question 15: What is the meaning of "confidential" as used?

Answer 15: The fact that a licensee is participating in the voluntary treatment program may not be disclosed unless disciplinary action is instituted regarding the professional's chemical dependency or impairment at which time the records may be considered by the board or commission. In addition, the identity of an individual referring a licensee to the program must also be kept confidential unless necessary to be disclosed in a disciplinary proceeding. See 29 *Del. C.* §8735(n)(7) and (12).

Question 16: For participants not referred by a licensing board, what would be the conditions under which the program would be required to report to the licensing board or another state authority?

Answer 16: Self referrals will be reported to the division and additional requirements for reporting are set forth in Section II, paragraph 5 of the RFP. In addition the Program Administrator would report violations of the terms of the participation in the voluntary treatment program to the Division only. The Division may cause additional notifications and or complaints to issue to the Board and or other authorities in connection with disciplinary action.

Question 17: Will the program be required to be compliant with HIPAA and/or 42 CFR Pt.2?

Answer 17: Yes.

Question 18: Will the program be expected or permitted to establish an assistance fund to assist participants in covering the costs of their treatment and monitoring in cases of financial exigency?

Answer 18: No.

Section: II
Paragraph: #2
Page: 4

Text: Program Administrator shall at least twice per month assess and evaluate each licensee's compliance with Monitoring Agreement and any additional Board agreements.

Question 19: What is the meaning of "assess and evaluate"?

Answer 19: The Program Administrator is responsible for monitoring a participant's compliance with the agreed monitoring contract in consultation with the treatment provider(s) to determine if treatment progress is satisfactory, or whether additional conditions should be placed in the monitoring contract. In addition, notifications need to be made to DPR for non-compliance or failure to show improvement.

Section: II
Paragraph: 2
Page: 5

Text: When the contract period ends, if the awarded vendor is no longer providing services to the State of Delaware and/or Division, all relevant documents and work product shall be turned over to a designated state representative.

Question 20: Will the conditions for release to a licensing board or to the designated state representative at the conclusion of the contract be tailored to be consistent with compliant with HIPAA and/or 42 CFR Pt.2?

Answer 20: No, the designated State representative is bound by the same confidentiality provisions.

Section: III
Paragraph: 1
Page: 6

Delaware business license:

Provide evidence of a Delaware business license or evidence of an application to obtain the business license.

Question 21: May for-profit entities make proposals?

Answer 21: For profit entities may make and are eligible to be awarded the contract for this solicitation.

Paragraph: b
Page: 19

Text: The selected vendor will be required to enter into a written agreement with the State of Delaware. The State of Delaware reserves the right to incorporate standard State contractual provisions into any contract negotiated as a result of a proposal submitted in response to this RFP. Any proposed modifications to the terms and conditions of the standard contract are subject to review and approval by the State of Delaware. Vendors will be required to sign the contract for all services, and may be required to sign additional agreements.

Question 22: Would it be possible to obtain a sample of the standard contractual provisions referenced?

Answer 22: A sample Professional Services contract has been posted to the Bid Solicitation Directory at www.bids.delaware.gov. The final contract and its inclusions shall be subject to negotiations. Some terms presented in the sample contract may be removed or altered before contract execution, but will be subject to mutual agreement.

All other standard contractual activities to be completed by the awarded vendor will be negotiated and agreed to between the successful respondent and the Division of Professional Regulation, and shall be made part of the final agreement.

All other terms and conditions remain the same.